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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/215,732	12/18/1998	KARLHEINZ DORN	P98.3059	1714

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Schiff Hardin & Waite
Patent Department
6600 Sears Tower
Chicago, IL 60606-6473

EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/215,732

Applicant(s)

DORN ET AL.

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/31/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is **{inserting the generic main configured according to the service configuration file into programs running on said computer}** which is not a tangible result because **{the phrase does not indicate a useful result}**. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf
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Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2194

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim limitation, "a generic main for hosting any kind of at least ...a **business logic**" is not described in the specification in such a way as to enable one skilled in the art to make and or use the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Dynamically Configuring Communication Services with the Service Configurator Pattern to Prashant et al. (pages 1-13).

Art Unit: 2194

7. As to claim 5, Prashant teaches a method of operating a computer, comprising the steps of: providing a generic main component ("...generic main..." page 9, section 8.3); configuring said generic main component at runtime with dynamic link libraries ("...Service Config Object..." page 9, Section 8.3), including; generating a service configuration file ("...svc.conf file..." page 9 Section 8.3); loading the dynamic link libraries into the generic main ("...DLL..." page 9 Section 8.3); inserting the generic main configured according to the service configuration file into programs running on said computer ("...svc.conf..." page 9 Section 8.3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynamically Configuring Communication Services with the Service Configurator Pattern to Prashant et al. (pages 1-13) in view of U.S. Pat. No. 6,434,740 B1 to Monday et al.**

10. As to claim 1, Prashant teaches an object oriented computer program for operation in a computer (figure 1, page 7/9 section 8), comprising: a generic main (“...generic main...” page 9, section 8.3), a configuration component for configuring the generic main at runtime (“...Service Config Object...” page 9, Section 8.3).

Prashant is silent with reference to a generic for hosting any kind of at least one of a presentation logic application and a business logic application and a framework connector providing communications between components.

Monday teaches a generic main object for hosting any kind of at least one of a presentation logic application and a business logic application (main program Col. 9 Ln. 19 – 67, Col. 10 Ln. 11 – 14) and a framework connector providing communications between components (Col. 3 Ln. 36 – 41, figure 2 Col. 9 Ln. 41 – 52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Prashant with the teaching of Monday because the teaching of Monday would improve the system of Prashant by providing an assembler to connects together two components through a single point of each component's interface (Monday Col. 3 Ln. 36 – 41).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynamically Configuring Communication Services with the Service Configurator Pattern to Prashant et al. (pages 1-13) in view of U.S. Pat. No. 6,434,740 B1 to Monday et al., as applied to claim 1 above, and further in view of U.S. Pat. No. 6,047,324 to Ford et al.

12. As to claim 2, Prashant teaches an object oriented computer program as claimed in claim 1, wherein said configuration component includes a service configurator for creating service objects by activation of DLLS ("...creating..." page 12 Section 10), a service dispatcher that communicates with a network on behalf of the configuration component ("...info method..." page 7 Section 7), and a service repository that communicates with said service configurator for insertion of the object ("...Service Repository..." page 7 Section 7).

Monday and Prashant are silent with reference to a service manager that communicates with said service dispatcher for service registration and handling.

Ford teaches a service manager that communicates with said service dispatcher for service registration and handling (Col. 5 Ln. 32, NT Service Control Manger 430 Col. 8 Ln. 40- 51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Monday and Prashant with the teaching of Ford because the teaching of Ford would improve the system of Prashant by providing a Framework that optimizes the speed at which new services are added to the system (Ford Col. 3 Ln. 57 – 59).

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynamically Configuring Communication Services with the Service Configurator

Pattern to Prashant et al. (pages 1-13) in view of U.S. Pat. No. 6,434,740 B1 to Monday et al., as applied to claim 1 above, and further in view of Gamma et al.

14. As to claim 3, Monday and Prashant are silent with reference to the generic main being independent of an operating system of the computer until configured by the said configuration component.

Gamma teaches application/services (Clients) being independent of an operating system of the computer until configured by the said configuration component (Clients call these operations to obtain widget instances, but clients aren't aware of the concrete classes they're using" Page 87, Ln. 18 - 20, Page 24, Number 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Monday and Prashant with the teaching of Gamma because the teaching of Gamma would improve the system of Monday and Prashant in view of the suggestion of Gamma that this design limits platform dependency.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynamically Configuring Communication Services with the Service Configurator Pattern to Prashant et al. (pages 1-13) in view of U.S. Pat. No. 6,434,740 B1 to Monday et al., as applied to claim 1 above, and further in view of An Object-Oriented Framework for Experimenting with Alternative Process Architectures for Parallelizing Communication Subsystem to Schmidt (pages 1-147).

16. As to claim 4, Monday and Prashant are silent with reference to an object oriented computer program as claimed in claim 1, wherein said framework connector includes a socket for communication over machine boundaries, said socket including communications links to remote networks, a upipe for internal communication, said upipe including communications links within a component, and an npipe for communication between components, said npipe including communications links to other components

Schmidt teaches an object oriented computer program as claimed in claim 1, wherein said framework connector includes a socket for communication over machine boundaries (SOCK-SAP page 94, Ln. 5- 19), said socket including communications links to remote networks, a upipe for internal communication, said upipe including communications links within a component (SPIPE-SAP, page 96, Ln. 21 - 24), and an npipe for communication between components, said npipe including communications links to other components (FIFO-SAP, page 97, Ln. 9 - 11).

It would have been obvious to apply the teaching of Schmidt to the system of Monday and Prashant. One of ordinary skill in the art at the time the invention was made would have been motivated to make such a modification in that the Schmidt teaching would improve the system of Monday and Prashant by facilitating a platform-independent transport-level interface that improves application portability and reduce the amount of application code and effort expended upon lower-level networking details (Schmidt page 94 lines 1-5).

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dynamically Configuring Communication Services with the Service Configurator Pattern to Prashant et al. (pages 1-13) in view of U.S. Pat. No. 6,434,740 B1 to Monday et al., and further in view of U.S. Pat. No. 5,491,800 to Goldsmith et al. and further in view of U.S. Pat. No. 5,850,518 to Northrup et al.

18. As to claim 6, Prashant teaches an object oriented computer program for operation in a computer, comprising: a generic main object (“...generic main...” page 9, section 8.3); a configuration component for configuring the generic main at runtime (“...Service Config Object...” page 9, Section 8.3); a service configuration manager for monitoring all active generic main object and activating the loading of service or components in an active generic container (“...loading...” page 8 Section 8.1); and an object oriented binary executable (inherent the system of Prashant since it is object oriented); providing proper hidden installation of process wide singleton objects for: basic dynamic linking features with component dynamic link libraries (page 9 Section 8.3), basic interface to a system configuration control (page 1 Section 2.3) and providing support for duplex event and request/response channels, providing generic connection to dominant GUI-framework supported main() programs through the message pump interconnection protocol (page 6 Section 7).

Prashant is silent with reference to a generic main object for hosting any kind of at least one of a presentation logic application and a business logic application, a

Art Unit: 2194

framework connector providing communications between components, basic network communication for anonymous and asynchronous communication, basic synchronous/asynchronous management of the components in said generic main object, basic operating system abstraction layer, and providing generic support of an object dump database (debugging port).

Monday teaches a generic main object for hosting any kind of at least one of a presentation logic application and a business logic application (main program Col. 9 Ln. 19 – 67, Col. 10 Ln. 11 – 14) and a framework connector providing communications between components 9figure 2 Col. 9 Ln. 41 – 52).

Goldsmith teaches basic network communication for anonymous and asynchronous communication (figure 10 Col. 15 Ln. 13 – 22), basic synchronous/asynchronous management of the components (Col. 12 Ln. 13 – 19, figure 10 Col. 15 Ln. 13 – 22), basic operating system abstraction layer (CSF 630a/b Col. 10 Ln. 13 – 44), providing support for duplex event and request/response channels (Col. 15 Ln. 16 – 22).

It would have been obvious to one of ordinary skill in the art the time the invention was made to modify the system Monday and Prashant with teaching of Goldsmith because the teaching of Goldsmith would improve the system of Monday and Prashant by providing a client-server facility and networking service facility interfaces that allows client application programs to automatically configure the client nodes for access to services located on remote server node without having to duplicate common RPC and transport software functions (Goldsmith Col. 5 Ln. 56 – 60).

Art Unit: 2194

Northrup teaches providing generic support of an object dump database (debugging port) (DUMP MAP operation Col. 48 Ln. 10 28).

It would have been obvious to one of ordinary skill in the art the time the invention was made to modify the system of Goldsmith, Monday and Prashant because the teaching of Northrup would improve the system of Goldsmith, Monday and Prashant by providing writing data into a storage area in a machine independent format (Northrup Col. 48 Ln. 27 – 28).

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2194

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.


SUPERVISORY PATENT EXAMINER